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County of Los Angeles CHIEF EXECUTIVE OFFICE

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December 10, 2015

To: Supervisor Hilda L. Solis, Chair
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From: Sachi A. Hamai
Chief Executive Officer

ANALYSIS OF EXISTING GAPS IMPACTING VICTIMS AND ADDITIONAL POSITIONS FOR DIRECT VICTIM SERVICES (ITEM NO. S-1, AGENDA OF AUGUST 4, 2015)

On August 4, 2015, the Board approved a motion that directed the Interim Chief Executive Officer (CEO) to work with the District Attorney (DA) to review, analyze and provide recommendations for the following: (1) additional existing gaps impacting victims; (2) the three additional positions requested by the DA for direct victim services; and (3) the feasibility of utilizing unclaimed victim restitution as provided under Government Code Section 50050. This report is submitted in response to the Board's motion.

Additional Existing Gaps Impacting Victims

The DA identified ten additional gaps in services that are either not or adequately covered through the California Victim Compensation Program (CalVCP). Those services are as follows:

"To Enrich Lives Through Effective And Caring Service"

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	Gaps In Services	CalVCP Benefit	Department's Proposal	Funding Requested
1	Short-Term Housing	\$2,000 limit	Develop hotel voucher system	N/A
2	Crime Scene Cleanup – Automobile	Not Covered. (\$1,000 limit only covers residence)	Extend \$1,000 reimbursement to include automobiles	\$100,000
3	Food	Not covered	Develop food voucher program	N/A
4	Funeral/Burial Costs	\$5,000 limit	Establish a fund to provide up to an additional \$1,000 in County funds to offset costs.	\$500,000
5	Car Impound Fees	Not covered	Establish a fund to provide \$300 to cover impound fees	No amount specified
6	Coroner Fees	Not covered	Institute a provision to delay coroner's fees when there is a criminal investigation pending	N/A
7	Housing Relocation	\$2,000 limit	Establish a fund to provide up to an additional \$1,000 in County funds to offset costs	\$550,000
8	Long-Term Transitional Housing	Not covered	Develop a program which provides transitional housing for victims of crime	N/A
9	Necessary Medical Procedures	Approximately 80% of cost or insurance co-pay	Establish a fund to offset costs incurred that are not covered by Cal VCP	\$100,000
10	Compensation for Victims of Financial Crimes	Not covered	Establish a fund to provide up to \$300 in emergency funds	\$100,000
			TOTAL REQUESTED	\$1,350,000

CEO Fiscal Analysis

Overall, our Office determined that gaps in services impacting victims of crime did exist, but, unfortunately, departmental statistics to support funding being requested were not currently being tracked or readily available. Without proper data, our Office was unable to determine an appropriate level of funding for the ten service areas identified by the DA. At this time, the CEO does not recommend any additional funds be provided to the DA beyond the escheated unclaimed victim restitution funds until the DA can provide, at a minimum, one full year of statistics. In addition, with the passing of Assembly Bill (AB) 1140, increases in benefit/claim maximums, as well as an expansion of the eligibility criteria to include additional allowable expenses, will take effect January 1, 2016. We anticipate that AB 1140 will address some, or a portion, of the services gaps identified in this report.

The DA has experienced a 45% increase in additional staff in the Direct Victim Services Division. Our Office determined that additional supervisory and support staff was warranted to ensure optimal customer service delivery. However, the DA was recently notified that supplemental Victim Witness Assistance Program (VWAP) grant funding will be allocated to Los Angeles County (County) over the next two fiscal years. These supplemental grant funds will not only address the positions requested by the DA, but will offset the costs of an additional 9 positions. These positions will be added to the DA's fiscal year (FY) 2016-17 Recommended Budget.

The DA is the only County department that provides victim services and, therefore the only agency that could accept the escheated unclaimed victim restitution funds. It is our understanding that the DA will be submitting a Board Letter on the January 5, 2016 Agenda, requesting the release of unclaimed victim restitution funds to the DA's VWAP.

Our Office will continue to work with the DA as they reexamine and refine the gaps in victims' services and identify if additional resources are needed beyond the escheated unclaimed Victim Restitution Funds, supplemental VWAP funding, and benefit increases and/or eligibility changes as a result of AB 1140.

Short Term Housing

The current CalVCP benefit can be quickly exhausted by a victim before they are able to find permanent housing. The DA's goal is to address the immediate short-term housing needs of victims that have been displaced by arson, residential sexual assault, homicide or gang related crimes. The DA has recommended a "hotel voucher" system to bridge the gap. The DA has reached out to the County's Homeless Initiative Director, as well as the Los Angeles Homeless Services Authority, to determine if housing programs are available to assist crime victims. The DA believes that this is a viable alternative in the future but, the main obstacle in securing assistance through these programs is funding. The DA was unable to provide our Office with additional information or data to analyze the need or the viability of the proposed program. We, therefore, recommend that the DA continue to reach out to County departments, as well as other community based organizations to explore the proposed "hotel voucher" system.

Crime Scene Clean Up - Automobiles

CalVCP currently only provides reimbursement for the clean-up of a crime scene if it occurs in a residence. Therefore, vehicle clean-up is not an allowable reimbursable expense. The DA would like to extend the \$1,000 reimbursable amount set by CalVCP for crime scene clean-up to include vehicles. The DA does not retain statistics on this type of expense since it's not reimbursable; thus, actual clean-up costs or potential annual requests are unknown.

Food

VWAP currently is able to allocate emergency funds to families of up to \$300 for food through the California Office of Emergency Services grant, but this benefit is not accessible during afterhours or weekends. The DA proposes the implementation of a "food voucher" program to provide emergency food assistance during afterhours or weekends which would be distributed by Law Enforcement agencies or VWAP advocates. The voucher would address the current gap in service and make food assistance more readily available. The DA has reached out to the Department of Public Social Services (DPSS) to determine if CalFresh is a viable option for victims of crime. The Cal Fresh program is available to all citizens or legal residents if eligibility requirements are met. This program runs in 6 month increments. We recommend that the DA continue to work with DPSS to explore the option of creating an emergency food voucher system that would be for a shorter term/smaller amounts.

Funeral/Burial Costs

As of January 2016, CalVCP will be raising the benefit amount to the statutory maximum of \$7,500 (an increase of \$2,500 from the current maximum amount of \$5,000). Government Code Section 13957 states that the benefit can be any amount not to exceed \$7,500. It is therefore within the discretion of the Victims Compensation and Government Claims Board to set a lower amount. In 2010, the benefit limit was reduced to \$5,000 as these funds were being borrowed to help balance the State budget. Although the increase back to the maximum amount of \$7,500 is significant, the gap between the actual costs incurred and what is reimbursed is substantial. The average cost for a basic funeral/burial or cremation services is approximately \$12,000, and \$6,000 respectively. These costs, however, do not include ancillary costs such as transporting of deceased remains when the crime occurred in another state or country. Victim Advocates also work closely with the Funeral Home Association to accept lower amounts if families need additional assistance. In the last three fiscal years, the average number of funeral/burial applications submitted to CalVCP by the County was approximately 345. The DA is proposing that the County provide an additional \$1,000 to offset costs incurred. Based on the average number of applications in the last three fiscal years, the DA anticipates the annual need to be approximately \$345,000.

Car Impound Fees

Victims of crime may incur impound fees associated with the removal or storage of vehicles after the commission of a crime. Most of the crimes involved include carjacking, driving under the influence with injuries and homicides. These costs are not covered as it is not an expense that has been considered by CalVCP and victims often times cannot afford to pay the fee to get access to their vehicles. The DA is

recommending setting up a fund to assist eligible victims with costs incurred. Since this is not a benefit covered by CalVCP, the DA does not have statistics on the number of victims' vehicles that incurred impound or towing fees as a result of a crime. The DA did provide the number of carjacking cases filed in the last three years which averaged approximately 280 per year. Although the DA recognizes that not every victim will need assistance, if the County were to assist every carjacking victim, approximately \$85,000 in annual funding would be required. Our office recommends that the County look into the feasibility of implementing a similar resolution that the City of San Francisco Board of Supervisors passed in 2014 which allows the County to add a provision in contracts with towing companies to eliminate or reduce fees imposed on victims of a vehicle crime.

Coroner Fees

The Department of Medical Examiner-Coroner (ME-Coroner) assesses a fee of \$354 (current billing rate) for the transportation and handling of deceased remains which are not covered by CalVCP. There is an exemption to paying these fees when a person who claims and proves to be indigent, or in cases in which the body is that of a child not more than 14 years of age, or in cases in which the ME-Coroner ascribes the death to the criminal act of another unless the ME-Coroner has reasonable grounds to believe that the deceased was involved in any criminal activity which contributed to his or her own death. If a family has paid a fee and the ME-Coroner later determines the case to be of a criminal nature, the ME-Coroner will reimburse the fees accordingly. The ME-Coroner will work with the DA to establish a process whereby fees are temporarily waived until the death investigation is complete.

Compensation Benefits for Housing Relocation

This request falls under the umbrella of relocations benefits which also includes short term housing and other expenses related to temporary housing (maximum benefit is \$2,000). The DA believes that relocation costs are approximately \$5,000 and above. In the last three fiscal years, the average number of County applications that were approved annually by CalVCP for relocation expenses was 470. The DA does not maintain statistics on the total number of applications submitted, but believes that approximately 15% of the applications are denied. The DA would like to assist victims who have received CalVCP relocation compensation with an additional \$1,000 to help offset costs incurred. The DA would also like to extend the relocation benefits to victims who do not meet the stringent criteria for CalVCP benefits, but who are in dire need of assistance. CalVCP's main criteria requires that law enforcement, or a mental health provider, must attest that the relocation is necessary as a result of an eminent/recurring threat to the victim's physical safety related to the crime; or to mitigate severe emotional

trauma suffered from a crime of violence or threat of violence. Often, family members become “ancillary victims” and require relocation assistance, but do not qualify for CalVCP benefits. The DA is requesting that a fund be set aside of approximately \$550,000 to address the aforementioned needs. Based on the number of CalVCP applications approved annually, and the DA’s proposal to assist victims with an additional \$1,000, the need for approved applicants would be approximately \$470,000. The DA does not track information for applications that were denied, so we are unable to provide an analysis and recommendation at this time.

Long-Term Transitional Housing

Long-term housing is often a need for victims who suffer long term trauma and are unable to function at an appropriate level prior to the crime. The DA would like County departments who currently provide housing assistance for other service populations be directed to expand their eligibility criteria to facilitate assistance to victims of violent crime. The DA will continue to work with community based organizations and other County departments to negotiate housing and assist in ensuring that victims of violent crime are given special consideration whenever possible.

Necessary Medical Procedures

Victims who suffer traumatic injuries should be made whole to the extent possible. Victims on occasion require prosthetics, cosmetic or dental surgery. CalVCP is the payer of last resort and will require the victims to use their private insurance, or apply for public medical assistance, before they will consider a victim’s application. If CalVCP does provide benefits, they do not cover the full medical costs. In Fiscal Year (FY) 2014-15, CalVCP paid out approximately \$329,000 in dental benefits to County victims which represent approximately 80% of actual costs incurred. The DA does not have access to statistics for all extraordinary procedures that were covered by CalVCP. The DA is recommending establishing a fund of \$100,000 to cover the cost of procedures that are not covered by CalVCP. Without complete data, we are unable to determine if the requested amount is appropriate.

Compensation for Victims of Financial Crimes

Victims of financial crime currently are not covered by CalVCP because resources are not available to expand services to this group. There is a misconception that financial crime victims do not experience trauma. Victims of financial crime often suffer emotional trauma and extreme financial loss that can impact access to their basic necessities. Victims may not have access to their bank account, may need assistance with attorney fees to correct real estate deeds, or help with restoring their credit. The DA is proposing to set aside \$100,000 in County funds to assist victims traumatized and negatively impacted by non-violent criminal acts. The fund would allow for a benefit of \$300 in emergency funds for victims to address basic necessities and costs to stabilize

and repair their financial well-being. The needs assessment for victims of financial crime would be the same criteria currently used for victims of crimes of violence or threat of violence. The DA does not have access to statistics as non-violent crimes are not covered by CalVCP. Due to the unavailability of data, we are unable to determine if the requested amount is appropriate.

CEO's Recommendation

Although the DA provided background information and recommendations to address gaps that are impacting victims of crime, full statistics were not provided. Without proper statistics, our Office is unable to determine an accurate level of funding for the aforementioned services. We have also been informed that Assembly Bill 1140 (AB 1140) was approved on October 7, 2015 and will take effect on January 1, 2016. AB 1140 will increase benefit/claim maximums, as well as expand criteria to include additional allowable expenses, such as transportation and child care benefits. Therefore, our Office recommends the following:

1. Provide the DA with the current escheated unclaimed victim restitution funds, and any funds that become available each year.
2. Request that the DA develop standard eligibility criteria to access County funds.
3. Recommend that the DA return to the Board with one full year of statistics to determine an appropriate annual level of funding for each of the services identified which should include the new benefit levels effective January 1, 2016 pursuant to AB 1140.

Additional Positions Requested by the DA for Direct Victim Services

The DA requested thirteen positions for victim services during the FY 2015-16 Recommended Budget. The CEO's Fiscal Analysis submitted to the Board on August 4, 2015 focused only on the ten positions identified in the DA's preliminary report submitted to our Office on July 15, 2015. Per the Board's direction, this analysis will address the remaining three positions requested by the DA which are:

- 1.0 Intermediate Clerk
- 1.0 Supervising Victim Services Representative (VSR)
- 1.0 Assistant Program Administrator

DA's Request and Justification

Intermediate Clerk: The DA indicates that additional clerical support staff is needed in the VWAP's administration division given the recent increase in VWAP staff. The position will ease the workload of the current clerical positions by assisting with duties relating to document preparation, filing, receptionist and timekeeping. The Bureau of

Victim Services (BVS) currently has three clerical support positions that provide assistance to Direct Services Division and Claims Verification Unit.

Supervising VSR: This position reports to the Assistant Program Administrator (APA) and provides the necessary direct supervision, guidance and accountability for the VSRs working directly with victims in multiple victim sites located throughout the County. The Supervising VSR resolves problems and is responsible for the implementation of the BVS goals, policies and procedures. Direct Services currently has four Supervising VSRs overseeing 56 VSRs located throughout five regions. The ideal supervisor to staff ratio is one to ten. In order for the DA to ensure an appropriate supervisor to staff ratio and span of control, an additional Supervising VSR is being requested.

Assistant Program Administrator (APA): The APA works closely with the Director in leading, planning, and managing the delivery of victim services; hiring and directing the BVS workforce; interacting with DA management and service partners; and representing the operations in interdepartmental meetings, taskforces and collaborations. The DA currently has one APA for Direct Services. In 2006, the BVS had two APAs (with a workforce of 42), but was forced to eliminate one position due to a reduction in grant funding. With the expansion of Direct Services by an additional 18 positions for a total of 56, the DA is requesting a second APA. The additional position would allow for a more manageable ratio. The proposed organizational structure would divide the five regions amongst the two APAs.

CEO Fiscal Analysis

Prior to FY 2014-15, the VWAP's Direct Services Division consisted of 40 positions of which 36 were grant funded. Over the last two fiscal year's the DA has received a total of 18 new Victim Services Representative II (VSR) positions. The additional positions have created a need for additional supervisory and support staff.

The DA currently has one Assistant Program Administrator and four Supervising VSR's who currently oversee Direct Services. The additional APA and Supervising VSR will alleviate the administrative and management workload within Direct Services given the approximately 60 positions deployed within 27 victim resource centers that are located throughout the County in courthouses, police stations and special prosecution units. Below is the current and proposed supervisor to staff ratio. In addition, Attachment I and II reflect the current and proposed organizational charts for the Direct Services Division, respectively.

Position	Current Ratio	Proposed Ratio	CEO Classification & Compensation Recommended Ratio
Assistant Program Administrator	1:5	1:3	1:2
Supervising Victim Services Representative (VSR)	1:14	1:11	1:10

If the additional positions were approved, the DA's Direct Services Division would have a total of 63.0 positions consisting of:

- 2.0 APAs
- 5.0 Supervising VSRs
- 56.0 VSR IIs

The estimated annual cost for the three additional positions is \$237,000.

CEO's Recommendation

In the last two fiscal years, the VWAP's Direct Services Division has received a significant increase in staff – approximately 45%. The information provided above by the DA justifies the need for additional supervisory and support staff within the Direct Services Division. The staff augmentation will ensure an appropriate supervisor to staff ratio, span of control, facilitate management accountability, and ensure optimal customer service delivery.

The DA recently received notification from the State that supplemental VWAP funding of approximately \$1.4 million per year will be allocated to the County for FY 2015-16 through FY 2016-17. These additional grant funds will offset the costs of an additional 12 positions, which includes the three identified in this report. During the FY 2016-17 Recommended Budget, the 12 positions, fully offset by CalVCP grant funds, will be added to the DA's operating budget. Therefore, the CEO recommends that the DA's request for three additional positions with an annual cost of \$237,000 offset by County General Funds be denied at this time. We further recommend that the DA's request be revisited in the future, if it is determined that the supplemental funding levels do not continue past FY 2016-17.

Unclaimed Victim Restitution Funds

Government Code Section 50050 allows a local agency at any time after the expiration of a three year period to deposit unclaimed funds back into the State Restitution Fund, or be used locally for purposes of victim services. This analysis will evaluate the feasibility of utilizing such funds for direct victim services by the DA.

Background

Pursuant to Government Code Section 50050, unclaimed funds “representing restitution collected on behalf of victims shall be deposited into the Restitution Fund or used by the local agency for purposes of victim services after the expiration of the three-year period.”

The Board of Supervisors is considered the local agency and has the authority to designate an appropriate victim services program for receipt of the funds. As of August 2015, the Probation Department (Probation) has in a trust account approximately \$441,000 in unclaimed funds. Additional monies (approximately \$50,000) have been unclaimed for more than three years and are awaiting publication by the Treasurer and Tax Collector (TTC). These funds have accumulated in the trust account since FY 2007-08. The amount of unclaimed funds annually has varied from a low of \$900 to as high as \$157,000, as reflected in the table below:

Fiscal Year	Unclaimed Accounts	Amount
2005-06	0	--
2006-07	0	--
2007-08	14	909.08
2008-09	56	6,346.63
2009-10	88	10,985.42
2010-11	168	35,044.95
2011-12	290	48,004.23
2012-13	484	57,815.08
2013-14	862	150,468.37
2014-15	911	129,572.71
2015-16	178	44,552.12
TOTAL	3,051	\$483,698.59

CEO Analysis & Recommendation

In 1977, the DA established one of California’s first victim services programs. Six years later, through State Legislature, VWAP was established in every County. Since then, the DA has been a provider of comprehensive services to victims of crime in the County. When VWAP was established, the Board also designated the DA to be the official “local agency” responsible for providing services to victims. Thus, there are no other County departments that offer direct victim services. Probation is the designated agency to collect victim restitution payments from convicted felons and disburse collected funds to rightful victims, but they do not provide any direct victim services. Government Code 50050 states that unclaimed victim restitution funds must be used for purposes of victim services. The DA is the only County department to offer victim

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services programs and, therefore, the only agency that can accept the escheated funds and use them as intended by statute. We, therefore, recommend:

1. The DA submits a Board Letter requesting designation as the official local victim service agency and that all unclaimed funds be directed to the DA's VWAP.
2. Direct the DA to work with the Probation and TTC to establish a process to transfer current and future unclaimed funds.

If you have any questions, please contact Sheila Williams, Public Safety Cluster, at (213) 974-1155.

SAH:JJ:SK
SW:PVR:cc

c: Executive Office, Board of Supervisors
 County Counsel
 District Attorney
 Medical Examiner-Coroner
 Probation
 Public Social Services
 Treasurer and Tax Collector

Attachments

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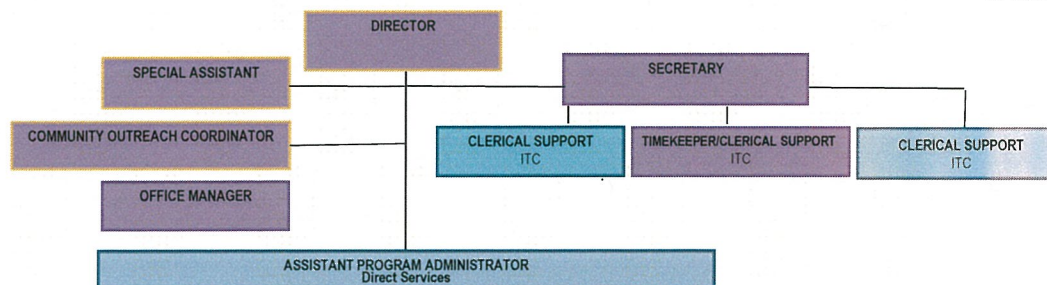


Jackie Lacey
District Attorney

LOS ANGELES COUNTY DISTRICT ATTORNEY'S BUREAU OF VICTIM SERVICES (BVS) DIRECT SERVICES ORGANIZATIONAL CHART (CURRENT) NOVEMBER 2015

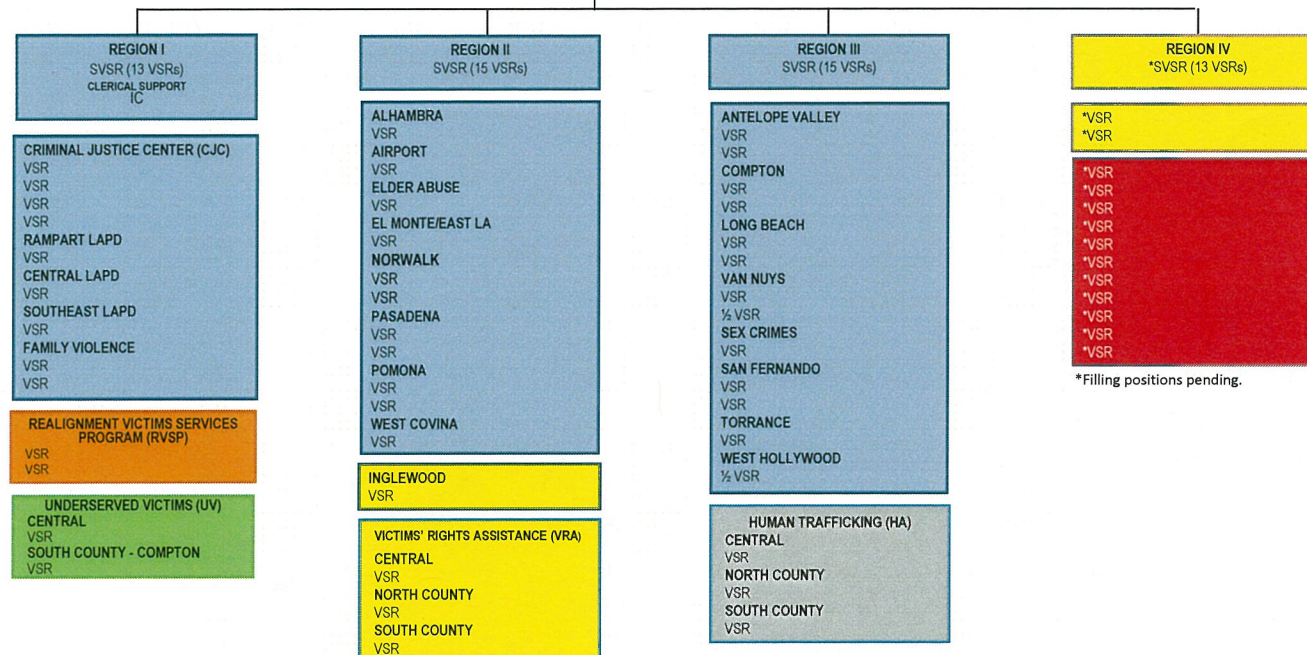
LEGEND

SVSR-Supervising Victim Services Representative
VSR-Victim Services Representative
Sr. Sec. III - Senior Secretary III
LOSA- Legal Office Support Assistant
ITC- Intermediate Typist Clerk
IC- Intermediate Clerk



FUNDING COLOR KEY

DA GENERAL FUND ADDED FISCAL YEAR 15-16
DA GENERAL FUND ADDED FISCAL YEAR 14-15
VWAP GRANT (CaIOES)
HUMAN TRAFFICKING VICTIMS GRANT (CaIOES)
UNDERSERVED VICTIMS GRANT
AB 109 REALIGNMENT FUNDS
DA GENERAL FUND/CaIVCP CONTRACT



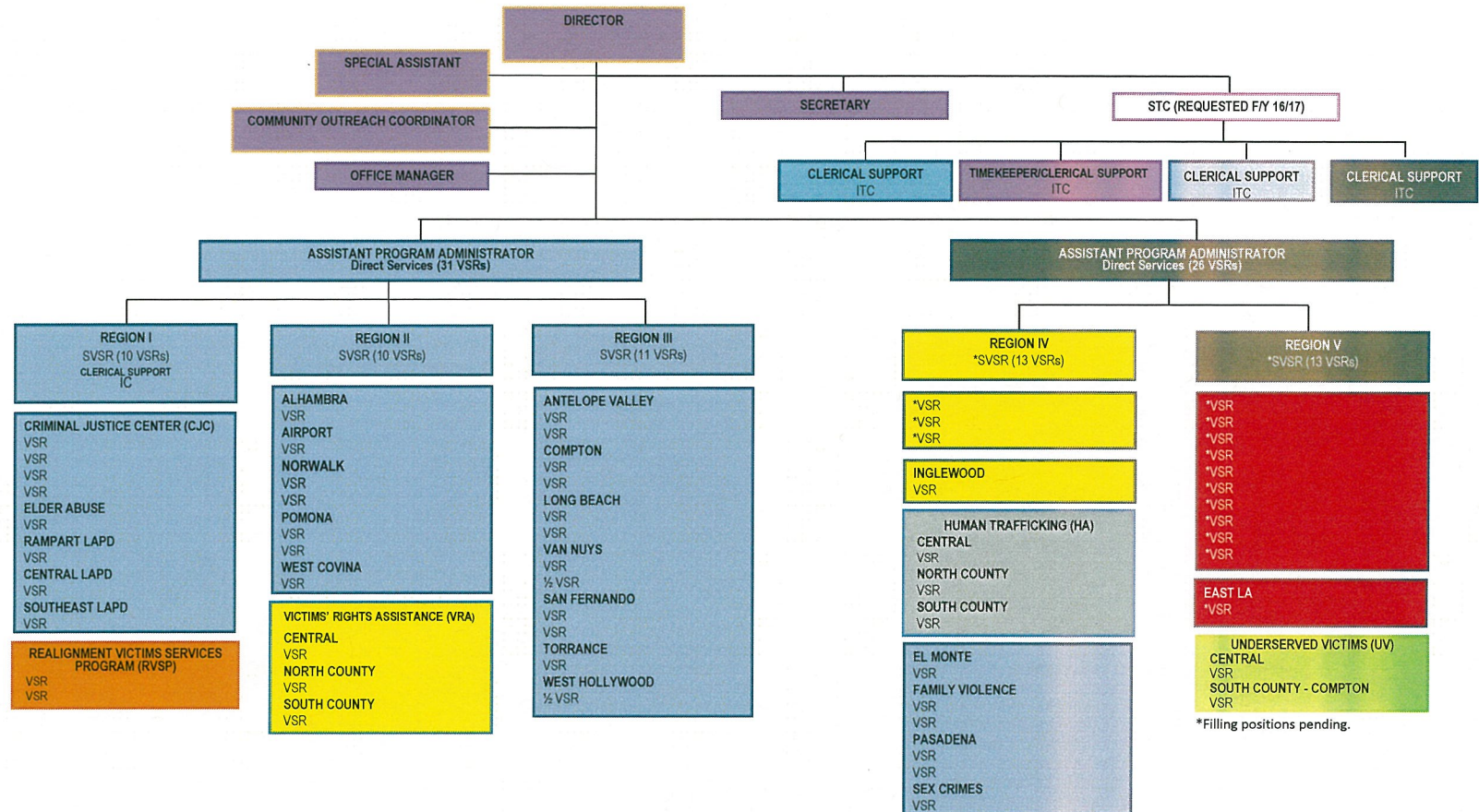


Jackie Lacey
District Attorney

LOS ANGELES COUNTY DISTRICT ATTORNEY'S BUREAU OF VICTIM SERVICES (BVS) DIRECT SERVICES ORGANIZATIONAL CHART (PROPOSED) FISCAL YEAR 2015-16

LEGEND

SVSR-Supervising Victim Services Representative
VSR-Victim Services Representative
Sr. Sec. III – Senior Secretary III
LOSA- Legal Office Support Assistant
STC- Senior Typist Clerk
ITC- Intermediate Typist Clerk
IC- Intermediate Clerk



FUNDING COLOR KEY

F/Y 15-16 POSITIONS PENDING BOARD APPROVAL
DA GENERAL FUND F/Y 15-16
DA GENERAL FUND ADDED F/Y 14-15
VWAP GRANT (CalOES)
HUMAN TRAFFICKING VICTIMS GRANT (CalOES)
UNDERSERVED VICTIMS GRANT
AB 109 REALIGNMENT FUNDS
DA GENERAL FUND/CalVCP CONTRACT

*Filling positions pending.